

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,550,497
Issued : June 23, 2009
Application No. : 10/540,490
Filed : January 20, 2006
Applicant : Carmen ALMANSA ROSALES
TC/A.U. : 1625
Examiner : Rei-Tsang Shiao
Docket No. : 3494-107
Confirmation No. : 3559
Customer No. : 06449

PETITION TO CORRECT PATENT TERM ADJUSTMENT

Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants requests reconsideration of the Patent Term Adjustment (PTA) accorded to the above-identified U.S. patent. Reconsideration of the final PTA calculation to increase PTA from 226 days to 590 days is respectfully requested.

Determination of PTA is based on so-called “A” and “B” delays. “A” delays are defined as delays by the U.S. Patent and Trademark Office (PTO) under 35 U.S.C. 154(b)(1)(A), which guarantees prompt PTO responses. “B” delays are defined as delays by the PTO under 35 U.S.C. 154(b)(1)(B), which guarantees pendency of an application of no more than three years.

In a decision dated June 16, 2009, regarding U.S. Patent 7,465,444, the PTO acknowledged that it has been incorrectly calculating PTA for patents issuing from national stage filings under 35 USC 371. Specifically, it agreed that in determining “B” delays, the three year period should be determined from the date that the U.S. national stage commenced or thirty months from the earliest priority date of the international application, rather than from the date that applicants completed their 371(c) requirements. In the instant patent the initial submission commencing the national stage filing was on June 23, 2005, the national phase commencement

